

JUDGE KAMLAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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0070

ICBC (LONDON) PLC,

Plaintiff,

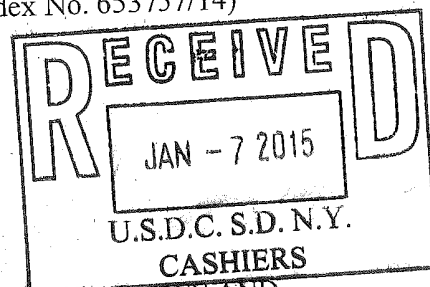
-against-

THE BLACKSANDS PACIFIC GROUP, INC.,

Defendant.

Civ. Action No. _____

(Removed from Supreme Court
of the State of New York,
New York County,
Index No. 653757/14)



NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF AND
ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441 and 1446,
Defendant The Blacksands Pacific Group, Inc. ("Blacksands"), hereby removes the
above-captioned civil action from the Supreme Court of the State of New York, County of New
York to the United States District Court for the Southern District of New York. In support of
this Notice and as its grounds for removal, Blacksands states as follows:

1. On December 8, 2014, Plaintiff filed its Summons and Notice of Motion for
Summary Judgment in Lieu of Complaint Under CPLR 3213, styled, *ICBC (London) PLC v. The
Blacksands Pacific Group, Inc.*, Index No. 653757/14, in the Supreme Court of the State of New
York, County of New York ("State Court Action").
2. Blacksands is the sole defendant in the State Court Action.
3. On December 10, 2014, Blacksands received a copy of the Summons and Notice
of Motion for Summary Judgment in Lieu of Complaint Under CPLR 3213. Copies of the papers

received by Blacksands are attached as Exhibit A. The papers attached as Exhibit A are the only process, pleading or orders that have been served on Blacksands in the State Court Action.

According to the Affidavit of Service that Plaintiff filed in the State Court Action (attached as Exhibit B), the papers attached as Exhibit A were served on December 9 on a process agent for Blacksands.

4. This Notice of Removal is filed within 30 days after receipt by Blacksands of the initial pleading setting forth the claim for relief in this matter (and within 30 days of the service of same by Plaintiff), and is therefore timely filed under 28 U.S.C. § 1446(b).

JURISDICTION AND GROUNDS FOR REMOVAL

5. This action is a civil action of which this Court has original subject-matter jurisdiction under 28 U.S.C. §§ 1332 and 1441, on the ground of diversity of citizenship.

6. Pursuant to 28 U.S.C. 1332(a), this Court “shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . (2) citizens of a State and citizens or subjects of a foreign state”

7. According to the Separate Statement of Material Facts filed as part of the Motion for Summary Judgment in Lieu of Complaint Under CPLR 3213 (“Stmt. Mat. Facts”), ¶ 1, Plaintiff is a British bank and financial institution with its principal place of business in London, United Kingdom.

8. Blacksands is a corporation incorporated under the laws of the State of Delaware, with its principal place of business in the State of California. *See* Stmt. Mat. Facts ¶ 2.

Blacksands is not a citizen of New York or any other State for purposes of 28 U.S.C. § 1332.

9. In its Motion, Plaintiff alleges that Blacksands owes it \$5,396,370.37 as guarantor of a loan between Plaintiff and another entity, and Plaintiff seeks judgment for that amount. Stmt. Mat. Facts ¶¶ 8, 15, 19, 27-37, 41. Plaintiff alleges that the outstanding principal amount of the loan is \$5,000,000. Stmt. Mat. Facts ¶¶ 14-15, 18-19, 29.

10. Removal of this action to federal court, therefore, is proper under 28 U.S.C. §§ 1332 and 1441, as there is complete diversity between the parties and the amount in controversy exceeds the monetary threshold set by 28 U.S.C. § 1332. Removal of this case on the basis of diversity of citizenship is not precluded by 28 U.S.C. § 1441(b) because Blacksands is not a citizen of New York, the State in which this action was brought.

11. Pursuant to 28 U.S.C. § 1441(a), removal to the United States District Court for the Southern District of New York is proper as this is the federal district court for the district embracing the place where the state court suit is pending.

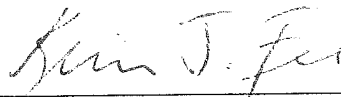
12. Blacksands promptly will serve a copy of this Notice of Removal on counsel for Plaintiff and will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York, pursuant to 28 U.S.C. §1446(d).

13. By filing this Notice of Removal, Blacksands does not waive any defenses available to it, including without limitation, lack of personal jurisdiction, improper venue or forum, all defenses specified in Fed. R. Civ. P. 12, or any other defense.

WHEREFORE, notice is given that Defendant, under 28 U.S.C. §§ 1332, 1441 and 1446, removes this action in its entirety from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
January 7, 2014

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